

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 18TH JUNE 2007 / 28TH JYAISHTA 1929

Bail Appl..No. 3649 of 2007()

CRIME NO.226 OF 2007 OF SASTHAMKOTTA POLICE STATION

: PETITIONERS

1. RAVIRAJAN,CHARUVILA PUTHEN VEEDU,
UMMANNOOR P.O.,KOTTRAKARA,KOLLAM DISTRICT.
2. HARISHKUMAR,KUMR BHVANAM,
KERALAPURAM P.O.,KOLLAM DISTRICT.,
3. AMBILI.W/O.HARISHKUMR,KUMAR BHVANAM,
KERALAPURAM P.O.,KOLLAM DISTRICT.

BY ADV. SRI.M.SHAHEED AHMAD
SRI.M.RISHIKESH SHENOY

RESPONDENTS: RESPONDENTS.

1. STATE OF KERALA REP.BY THE
PUBLIC PROSECUTOR,HIGH COURT OF KERALA,
ERNAKULAM.
2. SUB INSPECTOR OF POLICE,
SASTHAMKOTTA POLICE STATION,REP.BY THE
PUBLIC PROSECUTOR,HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 18/06/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R.BASANT, J

B.A.No.3649 of 2007

Dated this the 18th day of June, 2007

ORDER

Petitioners are the husband of the defacto complainant as also her sister and brother-in-laws. They are alleged to have committed the offence punishable under Section 498 A I.P.C against the wife of the 1st petitioner. She was abused with obscene words in the presence of others, it is further alleged. F.I.R has been registered. Investigation is in progress. Petitioners apprehend imminent arrest.

2. The learned counsel for the petitioners submits that the marriage has been in force for a period of about 15 years. Two children have been born in the wedlock. No serious injury is suffered by the victim/defacto complainant. Even going by the allegations, it was only a case of assault in the presence of others. If the petitioners were arrested and incarcerated, it would cause great prejudice, hardship and inconvenience to them, it is submitted. In these circumstances, directions under Section 438 Cr.P.C may be issued in favour of the petitioners.

3. Notice was given to the learned Public Prosecutor . The learned Public Prosecutor does not raise any serious objections. Appropriate and strict conditions may be imposed in the interest of a fair and efficient investigation, submits the learned Public Prosecutor .

4. I reckon that as a fair stand taken by the learned Public Prosecutor . Arrest and incarceration of the petitioners in prison is likely to mar the marital tie beyond repair. Subject to appropriate conditions, I am satisfied, that bail can be granted to the petitioners.

5. In the result, the Bail Application is, allowed. The following directions are issued under Section 438 Cr.P.C.

i) The petitioners shall appear before the learned Magistrate at 11 a.m on 25.06.2007. They shall be enlarged on bail on their executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m and 4 p.m on 26.06.2007 and thereafter between 10 a.m and 12 noon on all Mondays and Fridays until further orders;

iii) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law as if those directions were not issued at all;

iv) If the petitioners were arrested prior to their surrender on 25.06.07 as directed in clause (1) above, they shall be released on bail on their executing a bond for Rs.25,000/- (Rupees Twenty Five

thousand only) without any sureties undertaking to appear before the learned Magistrate on 25.06.07.

(R.BASANT, JUDGE)

rtr/-